

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DEBORAH KAYE FOSTER,	:	Case No. 3:20-cv-325
	:	
Plaintiff,	:	
	:	
vs.	:	Magistrate Judge Peter B. Silvain, Jr.
	:	(by full consent of the parties)
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court upon Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412 (Doc. #17) and Affidavit in Support (Doc. #18). The Commissioner has neither responded to nor opposed this Motion.

Plaintiff seeks an award of attorney fees under the EAJA in the amount of \$4,241.75 and an award of costs in the amount of \$400.00. In the absence of opposition by the Commissioner, Plaintiff's Motion and supporting documents establish that she is entitled to an award of attorney fees under the EAJA in the total amount \$4,641.75 seeks. The attorney fees awarded under the EAJA belong to Plaintiff and are subject to administrative "offset if [she] has outstanding federal debts." *Astrue v. Ratliff*, 560 U.S. 586, 594 (2010).

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412 (Doc. #17) is GRANTED;
2. The Commissioner shall pay Plaintiff's attorney fees and costs under the EAJA in the total amount of \$4,641.75;
3. The Commissioner shall verify, **within thirty days of this Decision and Entry**, whether or not Plaintiff owes a pre-existing debt to the United States

subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel; and

4. The case remains terminated on the docket of this Court.

IT IS SO ORDERED.

April 14, 2023

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.
United States Magistrate Judge